



2007 Police Accountability Review Panel

FINAL REPORT

January 29, 2008

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Executive Summary

Public safety is paramount to the effective functioning of a civil society. Seattle is fortunate that its neighborhoods and communities enjoy a relatively high degree of safety and stability. The Panel recognizes that this is due, in large part, to the dedication of Seattle police officers. The majority of these officers work day in and day out, forging bonds with residents and successfully improving communities in which they serve. Most are rarely subject to any form of disciplinary complaint. Similarly, the Panel recognizes the work of the current and former Office of Professional Accountability (OPA) staff, the OPA Auditor and the OPA Review Board. Their dedication to their work, along with their contributions and candor toward the Panel, reflects an ongoing commitment to improving police accountability.

Unfortunately, the public perception and reputation of the Seattle Police Department, including its disciplinary system and its ability to properly discharge its duties, can be tarnished by a limited number of troubled investigations or the actions of a minority of officers. This makes it imperative that the City respond decisively to cases that might indicate any problems with the integrity of the police accountability system.

The Panel wants to emphasize that police accountability involves much more than the disciplinary process. First and foremost, of course, it begins with the actions of each individual officer and is best enforced in every precinct by the leadership and direction of sergeants, lieutenants and captains. Yet, just as crucial, is the leadership of both the Chief of Police and elected City leaders. The Panel has made a number of recommendations that it believes will strengthen Seattle's police oversight system.

Critical to success and long-term accountability is the ongoing commitment by the Mayor and City Council to implement, monitor and fund the necessary improvements. The police accountability system in Seattle includes a variety of oversight mechanisms and reports. Without coordination, monitoring and follow-up, both accountability and public confidence suffer. Moreover, important improvements to the system should not substitute for employee benefits and should not be bargained away in labor agreements.

Seattle's multilayered police oversight structure is unique. Seattle's current system has operated for six years. The system has three separate components: 1) the Office of Professional Accountability, which is responsible for receiving and investigating complaints of misconduct and making recommendations to the Chief of Police; 2) the OPA Auditor, who is responsible for auditing completed case files and reviewing and making recommendations on pending investigations; and 3) the OPA Review Board, which is responsible for reviewing the OPA complaint process and resolving disputes between the OPA Auditor and the Police Chief.

In June 2007, Mayor Greg Nickels appointed an 11-member Panel to perform a thorough and comprehensive review of Seattle's police accountability system. The Police Accountability Review Panel completed its work in January 2008.

The Panel concludes that the general structure of the OPA with the civilian Director, Auditor and Review Board should continue. The Panel finds all three components play roles in the oversight

process. The Panel also finds that many aspects of the current police accountability system are valuable and encourage an effective citizen-complaint process.

The Panel does, however, find room for improvement. This report presents 29 specific recommendations for enhancing and strengthening the police accountability system in the following four areas:

- Accountability & Public Confidence
- Independence
- Professional Conduct
- Transparency

The recommendations can be found in full in this report. Here are some highlights:

- **EXPAND THE ROLE OF THE OPA AUDITOR**

To increase accountability and public confidence, the Panel recommends both an expansion and a clarification of the role of the OPA Auditor. The OPA Auditor's current role of conducting real-time review of OPA investigations while those investigations are under way should be maintained because it enhances the independence and quality of OPA investigations.

The OPA Auditor should conduct in-depth audits of substantive policies, procedures and/or training that impact the accountability of the Department or the public's perception of that accountability. Also, the OPA Auditor should focus on making recommendations to strengthen Department accountability after reviewing public reports regarding the functioning of the Department. The OPA Auditor should issue a public report on its findings.

In light of the additional duties of the OPA Auditor, the Panel recommends the amount of time allocated to the role be significantly expanded, with compensation and resources made commensurate with the responsibilities.

The first in-depth review by the OPA Auditor should be the relationship between the Department and diverse communities, particularly communities of color.

- **INCREASE INDEPENDENCE AND AUTHORITY OF THE OPA DIRECTOR**

To ensure independence, the Panel recommends the OPA Director be given control of the OPA budget and report to the Mayor and City Council on the adequacy of OPA funding during the annual City budget process. The OPA Director, in consultation with the Police Chief, should be given the authority to select and transfer OPA staff, including sworn investigators and the Deputy Director. The OPA Director should attend all disciplinary hearings. If new material facts are disclosed at the disciplinary hearing, the case should be sent back to the OPA for further investigation. The 180-day limit to investigate a complaint of police misconduct should be able to be extended by the OPA for good cause.

- **ESTABLISH THE OPA REVIEW BOARD AS THE KEY LINK TO THE COMMUNITY**

To increase public confidence in Seattle's police accountability system, the Panel makes several recommendations to clarify the role of the OPA Review Board, including expanding its membership to between five and seven members; functioning as the primary link between the OPA and community; leading community engagement activities; researching and reporting on national trends and best practices in police accountability and oversight; reviewing OPA policies and procedures and providing recommendations for improvement; and offering suggested topics for officer training. In addition, the Panel recommends that the Seattle Office for Civil Rights formally designate one or two employees as civilian advocates to assist OPA complainants through the process as needed.

- **MAXIMIZE PUBLIC ACCESS TO INFORMATION REGARDING THE ACCOUNTABILITY SYSTEM**

The OPA should adopt a policy that requires public disclosure of all OPA records to the maximum extent allowed by law. Records of all sustained complaints, including the punishment imposed, should be made public in a format designed to protect the privacy of the officers and complainants to the extent required by law.

- **MAINTAIN THE HIGHEST PROFESSIONAL STANDARDS**

To help ensure professional conduct, the Seattle Police Department should adopt a policy that presumes an officer will be terminated for sustained complaints involving dishonesty that either relate to or occur within the scope of the officer's official duties, or that relate to the administration of justice. If the Police Chief chooses to impose a disciplinary sanction other than termination, he should be required to state his reasons in writing. This written statement shall be provided to the OPA Director and, upon request, to the Mayor and City Council.

- **ENHANCE THE COOPERATION AND COORDINATION OF THE OPA ENTITIES**

Each year the OPA Director, OPA Auditor and OPA Review Board should agree upon at least three substantive policy or procedural areas that will be the focus of enhanced review by the OPA Auditor. One of the first issues that should be examined is how the Department's policies, practices and procedures affect communities of color. The OPA Director, OPA Auditor and OPA Review Board should meet quarterly and each should independently prepare and jointly present a semiannual report to the Mayor and City Council.

Through its recommendations, the Panel attempts to reconcile the valued aspects of the current police accountability system with areas that could use some improvement.

The Panel believes the integrity and trust for the citizen-police complaint process must be founded on the clear goals of improving the following aspects of the OPA system: accountability; public confidence; independence; professional conduct; and transparency. The Panel's recommendations are offered to the Mayor to help the City of Seattle achieve these goals.

Background

Public safety is paramount to the effective functioning of a civil society. Seattle is fortunate that its neighborhoods and communities enjoy a relatively high degree of safety and stability. The Panel recognizes that this is due, in large part, to the dedication of Seattle police officers. The majority of these officers work day in and day out, forging bonds with residents and successfully improving communities in which they serve. Most are rarely subject to any form of disciplinary complaint. Similarly, the Panel recognizes the work of the current and former Office of Professional Accountability (OPA) staff, the OPA Auditor and the OPA Review Board. Their dedication to their work, along with their contributions and candor toward the Panel reflects an ongoing commitment to improving police accountability.

Unfortunately, the public perception and reputation of the Seattle Police Department, including its disciplinary system and its ability to properly discharge its duties, can be tarnished by a limited number of troubled investigations or the actions of a minority of officers. This makes it imperative that the City respond decisively to cases that might indicate any problems with the integrity of the police accountability system.

The Panel wants to emphasize that police accountability involves much more than the disciplinary process. First and foremost, of course, it begins with the actions of each individual officer and is best enforced in every precinct by the leadership and direction of sergeants, lieutenants and captains. Yet, just as crucial, is the leadership of both the Chief of Police and elected City leaders. The Panel has made a number of recommendations that it believes will strengthen Seattle's police oversight system.

Critical to success and long-term accountability is the ongoing commitment by the Mayor and City Council to implement, monitor and fund the necessary improvements. The police accountability system in Seattle includes a variety of oversight mechanisms and reports. Without coordination, monitoring and follow-up, both accountability and public confidence suffer. Moreover, important improvements to the system should not substitute for employee benefits and should not be bargained away in labor agreements.

Seattle's multilayered police oversight structure is unique. Seattle's current system has operated for six years. The system has three separate components: 1) the Office of Professional Accountability, which is responsible for receiving and investigating complaints of misconduct and making recommendations to the Chief of Police; 2) the OPA Auditor, which is responsible for auditing completed case files and reviewing and making recommendations on pending investigations; and 3) the OPA Review Board, which is responsible for reviewing the OPA complaint process and resolving disputes between the OPA Auditor and the Police Chief.

The Office of Professional Accountability was created in November 1999, in response to recommendations of a citizen review Panel appointed by then-Mayor Paul Schell to evaluate the issue of employee accountability within the Seattle Police Department and the process used to investigate reports of police misconduct.

In 1999, after more than three months of investigation, the 1999 Panel's report concluded Seattle had a top-rate police department. No evidence of widespread corruption or misconduct was

found. The Panel's report offered a series of recommendations to increase confidence in the department's ability to maintain standards of professional integrity.

The cornerstone of the Panel's report was the creation of an Office of Professional Accountability. The first OPA Director, Sam Pailca, was nominated by the Mayor and confirmed by the Council in 2000. Under City law, OPA Directors can serve a maximum of six years. The current OPA Director, Kathryn Olson, was appointed by the Mayor and confirmed by the Council in 2007.

The Mayor also appoints and the Council confirms the Office of Professional Accountability Auditor. The Office of Professional Accountability Review Board is a three-member citizen Panel created and appointed by the City Council.

On June 29, 2007, Mayor Greg Nickels appointed an 11-member Panel to review Seattle's police accountability system and recommend improvements.

The Panel was asked to examine both the structure and processes of Seattle's police accountability system and to produce a final report offering its assessment of the system, as well as any recommendations for improving the structure or function of the system.

The Panelists have a broad range of experience and perspectives. The Panel members are: Judge Terrence A. Carroll, ret., Chair; Bob Boruchowitz, Vice Chair; Jenny A. Durkan; M. Lorena González; Pramila Jayapal; Gary Locke; Hubert G. Locke; Judith Krebs; Mike McKay; Norman B. Rice; and Jennifer Shaw.¹

The Panel began its work in July 2007 and completed it in January 2008. Over the course of those seven months, the Panel held six public meetings and heard from 30 people at those meetings. The Panel also received written comment from approximately 10 people. Additionally, the Panel was provided with and reviewed more than 80 documents.² In addition to public meetings, the Panel as a whole held seven working sessions and the Panel's two subgroups each met three times for a total of six additional working sessions.³ After examining both the process and structure of Seattle's police accountability system, the Panel prepared a series of recommendations and presented them to Mayor Greg Nickels on January 29, 2008, in the form of this report.

This Panel is acutely aware of the fact that its creation stemmed in part from several widely reported encounters between Seattle police officers and citizens from communities of color in the city. It highlights and underscores the degree to which race continues to be a critical factor in police-community relations, not only in Seattle but also across America.

¹ Please see "2007 Police Accountability Review Panel Biographies," [Appendix, page 15](#).

² Please see "Materials Provided to the Police Accountability Review Panel," [Appendix, page 19](#), for a list of these materials.

³ For additional information regarding Panel meetings, please visit this Web site: <http://www.seattle.gov/policeaccountabilityreviewpanel/>

Over the past several decades, the Seattle Police Department has improved its image and reputation in communities of color in our city. Periodic assessments of community attitudes toward the Department indicate this general development. At the same time, other indicators point to how much remains to be accomplished if a genuine climate of trust and cooperation is to exist between police officers and communities of color in Seattle. Recent media reports, for example, have highlighted racially disproportionate arrest and prosecution rates for possession of marijuana; a similar racial disproportionality has long been noted for arrests for crack and powdered cocaine. Incidents of stopping and searching vehicles and their occupants are often cited as a police practice in which race is a frequently determining factor. In general, a widespread impression maintains in communities of color in our city that the law is often enforced based on different assumptions and expectations where the race of citizens and neighborhoods are concerned.

Professional policing acknowledges that the law is enforced best and order maintained most effectively in communities where the police and citizens actively engage cooperatively and collaboratively in these tasks. From the police perspective, coming to terms with the factor of race and its impact on police attitudes, policies and practices should be a major, ongoing concern of the Seattle Police Department – one that should merit the attention and concern not just of its chief and the executive staff but precinct commanders, supervisors, the Police Guild, the Police Management Association, and every rank-and-file officer in the police service.

Police accountability is not a responsibility that can be assigned exclusively to an office and staff to carry out. Police accountability begins with the recruitment process – with the kind and character of the women and men who are admitted to the police ranks. It continues with their training, with their supervision once they are assigned to their posts, with the continual process of assessment and evaluation that is an essential part of every good personnel management process, and with the continuing education that is a necessary element in the professional growth and development of good officers.

The receipt and investigation of complaints regarding officer conduct or behavior is a vitally necessary part of assuring the public that accountability is a serious objective of the Department. The recommendations made in this report are designed to strengthen that process. In the final analysis, police accountability will be effective only to the extent that the Department and its officers acknowledge that the community that it is sworn “to serve and protect” is a community of citizens of widely diverse backgrounds, interests and ambitions, each one of whom is entitled to fair, courteous professional enforcement of the law.

General Bases of Recommendations

After reviewing the multitude of documents and public testimony, the Panel has defined the following as the bases upon which its recommendations are made. Although these are not designed to be “findings” per se, they are the overarching issues the Panel finds with regard to the existing police accountability system.

- The general structure of the police accountability system with the civilian OPA Director, OPA Auditor and OPA Review Board should continue. All three components of the existing system play roles in Seattle’s police accountability system. Many aspects of the current police accountability system are valuable and encourage an effective citizen-complaint process.
- The intended working relationships among the OPA Director, OPA Auditor and OPA Review Board need to be better defined. Overlapping responsibilities and a lack of clarity around some of the roles of the individual components undermine the effectiveness, transparency and accountability of the system as a whole. These three components are not required to work together by ordinance or policy.
- The independent civilian review of the current system must be strengthened. A successful police accountability system can – and should have – entities playing both an internal role (as does the OPA Director) and a truly independent role (as do the OPA Auditor and OPA Review Board). Independent review directly affects public trust of decisions made by the Police Chief.
- All the Panel recommendations the City deems as not requiring collective bargaining prior to implementation should be implemented without delay. Any recommendations the City deems to require collective bargaining before implementation should be at the top of the City’s agenda at the bargaining table. If agreement cannot be reached, the City should take the applicable proposals to arbitration with Panel members available to assist as witnesses. In addition, to the fullest extent of the law, existing aspects of the police accountability system endorsed by the Panel in this report must be vigilantly protected from erosion at the bargaining table.

Recommendations

The recommendations contained in this report are intended to provide the basis for moving forward to ensure Seattle has an effective and transparent process of police accountability.

While the Panel has concluded the existing police accountability system does not need to be replaced, the Panel does, however, find room for improvement and offers the following 29 recommendations for enhancing and strengthening the police accountability system in these four areas:

- Accountability & Public Confidence
- Independence
- Professional Conduct
- Transparency

Accountability & Public Confidence

1. The role and duties of the OPA Auditor should be clarified and expanded. This will require the responsibilities of the OPA Auditor to be increased beyond its current part-time independent contractor status. Specifically, the OPA Auditor's duties should include making recommendations to strengthen police accountability; performing in-depth reviews (audits) of substantive policies, procedures and/or training that affect police accountability; and issuing public reports on its findings. The compensation and resources available to the OPA Auditor must be made commensurate with its responsibilities.

To increase accountability and public confidence, the Panel recommends both an expansion and a clarification of the role of the OPA Auditor. Currently, the central role performed by the OPA Auditor is the real-time review of OPA investigations while those investigations are under way. The OPA Auditor then issues a report on completed investigations. This is an important component of our existing civilian oversight system and should be maintained because it enhances the independence and quality of OPA investigations.

However, the Panel also finds that the public's perception of independence is not necessarily enhanced for a number of reasons. First, the OPA Auditor's work is largely confidential and is conducted in conjunction with the Department. Second, the OPA Auditor's reports include a review of the very investigations in which the OPA Auditor played a role, leading to the perception that there is a potential conflict of interest. Third, the OPA Auditor's primary function of involvement in the real-time review has limited the OPA Auditor's ability to provide regular and thorough review of policies and practices and recommendations for improvement.

The Panel recommends that the independent role of the OPA Auditor should be strengthened and expanded to ensure public confidence and accountability. In addition to its present duties, the OPA Auditor should focus on making recommendations to strengthen Department accountability after reviewing all reports regarding the

functioning of the Department, including public reports from the Firearms Review Board, the Civilian Observer to the Civilian Review Board, and the Police Intelligence auditor. The OPA Auditor also should conduct in-depth audits of substantive policies, procedures and/or training that affect the accountability of the Department or the public's perception of that accountability. The OPA Auditor should issue a public report on its findings. The policy, procedures and training topics to be audited should be decided in conjunction with the OPA Review Board and OPA Director. The OPA Auditor should publicly report in more detail about how the audit function was performed and should specifically state whether each audited investigation was complete, thorough, objective and fair, and if not, why not and what should be done differently in the future. The OPA Auditor should also state, for each investigation audited, whether he/she agrees with the classification and finding, and if not, why not.

In light of the additional duties of the OPA Auditor, the Panel recommends the amount of time allocated to the role be significantly expanded, with compensation and resources made commensurate with the responsibilities.

The Panel recommends that if this enhanced OPA Auditor role is adopted, the first in-depth review by the OPA Auditor should be the relationship between the Department and diverse communities, particularly communities of color.

2. Each year the OPA Director, OPA Auditor and OPA Review Board should agree upon at least three substantive policy or procedural areas that will be the focus of enhanced review by the OPA Auditor. One of the first issues that should be examined is how the Department's policies, practices and procedures affect communities of color.

The review regarding how the Department's policies, practices and procedures affect Seattle's diverse communities would include not just the disciplinary system, but could include issues of training, allocation of resources among precincts or squads, deployment and use of lethal and less-lethal weapons, policing approaches and enforcement policies. Over the last several decades, the Department has improved its image and reputation in communities of color. Yet, it is also undeniable that challenges remain. Much remains to be accomplished if a genuine climate of trust and cooperation is to exist between police officers and communities of color in Seattle.

3. There should be a separation between OPA investigations and any related criminal or civil proceedings. OPA investigators should not be involved as investigators in any related civil or criminal matter. Pending civil or criminal matters should not delay OPA investigations.

An OPA investigator should play no investigative role in any related civil or criminal proceeding. An OPA investigation should not be directed or influenced by counsel for any related civil or criminal proceeding. Any evidence uncovered in an OPA investigation should be made available in a criminal or civil proceeding, as required by law. An OPA investigation should move forward as much as possible and should not be delayed solely because a witness is unwilling to testify because he faces criminal charges. If a critical witness (including an officer or complainant) cannot be interviewed because of the pendency of a criminal matter, the OPA should have the discretion to extend the 180-day investigative period as necessary to gather relevant evidence.

4. SPD should adopt a rule that precludes the use of overtime or accrued vacation time to satisfy a disciplinary penalty that mandates suspension without pay.

The imposition of a penalty that suspends an officer from duty without pay is one of the most serious disciplinary actions the department can impose. It should send a clear message that the behavior that results in suspension without pay is the most serious disciplinary sanction other than termination. The seriousness of this sanction should not be mitigated by allowing an officer to use vacation or other accrued time to satisfy it.

5. The OPA should focus its investigative resources on serious cases of misconduct. The OPA should identify complaints of a less serious nature as early as possible and encourage the resolution of these complaints through mediation.

While every complaint filed with the OPA is a serious matter in the mind of the complainant, the OPA should explore other investigation and resolution options that would allow the office to concentrate its efforts on those complaints that are more serious in character and consequence. The Department must be cognizant that a pattern of "less-serious" complaints could be an indicator of a more serious problem and should treat it accordingly. There are, however, favorable reports regarding the mediation program initiated by SPD and we would encourage its continued use.

6. The OPA Director should attend all disciplinary hearings.

Currently the OPA Director is not allowed to attend disciplinary hearings. By being present at the disciplinary hearing, the OPA Director will be made aware of all the circumstances surrounding the case and will be able to identify whether any new material information is being brought forward that was not disclosed during the OPA investigation.

7. If new material facts are disclosed at the disciplinary hearing, and the Chief is inclined to act contrary to the OPA Director's recommendation, the case should be sent back to the OPA for further investigation.

OPA investigations may be undermined if material information is withheld or not disclosed during the OPA investigation, but then subsequently revealed during the disciplinary hearing after the investigation has been completed. This is particularly problematic if the Chief uses this new information to alter the recommendations of the OPA Director and command staff that did not have knowledge of the information. Allowing employees facing discipline to raise new material facts with the Chief after the investigation has concluded undermines the integrity of the OPA process and may encourage employees to be less cooperative during disciplinary investigations.

8. The 180-day limit to investigate a complaint of police misconduct should be able to be extended by the OPA for good cause (e.g., when further investigation is required due to new information introduced at a disciplinary hearing or when a material witness cannot be contacted due to a pending criminal proceeding).

There is no specific time requirement in which to investigate cases if discipline is not contemplated, though timeliness is a concern for everyone involved. However, if discipline is to be imposed, labor union contracts require that OPA investigations be completed within 180 days. The Panel learned that the Department's ability to impose discipline was lost in a limited number of cases due to the failure to meet the 180-day deadline. The OPA has recently made great improvements in reducing the average time for all investigations, and is developing systems to ensure that discipline opportunities are not lost because of the Department's failure to adhere to time limitations. If there are reasons for delay in completing an investigation beyond the control of the Department, the 180-day rule should be permitted to be extended.

9. The City should review, evaluate and consider amending its policy relating to the use of *Garrity*⁴ protections. Officers and City staff involved in implementing *Garrity* policy should be regularly trained in its appropriate use.

The City must ensure its Garrity policy is clear to officers and City staff, and consistent with the City's system of professional accountability.

⁴In *Garrity v. New Jersey*, the U.S. Supreme Court held that police officers are not required to sacrifice their right against self incrimination in order to retain their jobs. 385 U.S. 493 (1967). An officer cannot be compelled, by the threat of serious discipline, to make statements that may be used in a subsequent criminal proceeding. In a related case, *Gardner v. Broderick*, the Court held that an officer cannot be terminated for refusing to waive his Fifth Amendment right to remain silent. 392 U.S. 273 (1968). Therefore, if an officer gives a coerced statement, the statement is "protected," and cannot be used in a subsequent criminal prosecution. Such statements made by officers after receiving *Garrity* protection may be used for departmental investigation purposes, however, and refusal to provide a statement after invoking such privileges can be grounds for discipline. The practical application of *Garrity* is complicated as there are many issues involved, such as when an officer's statement is considered "coerced," whether *Garrity* extends to witness officers vs. the officer involved in an incident, and whether *Garrity* can/should be asserted routinely in incident and use-of-force reports.

10. OPA investigators should be provided with comprehensive training in the specialized skills needed for police internal investigations.

Police internal investigations are different from regular criminal investigations. When officers rotate into the OPA, it is essential they be provided with the specialized training needed to be an effective investigator. The Panel learned that OPA training in the past has been sporadic and inadequate to meet the needs of the investigators.

11. The OPA Review Board should be the primary link between the community and the police accountability system. The OPA Review Board should conduct at least four public hearings and/or community listening sessions each year.

The OPA Review Board's primary role should be to solicit and receive community input, identify areas of concern around policies that need to be addressed and bring those to the attention of the OPA Auditor and OPA Director. Each year, the OPA Review Board should develop a plan for community outreach efforts, in conjunction with the OPA Director to ensure full engagement of the public. The OPA Review Board's public hearings should provide a formal and public opportunity for communities to engage with the police accountability system, raise concerns and identify areas for policy review.

12. The OPA Review Board should research and report on national trends and best practices in police accountability and oversight; review OPA policies and procedures and provide recommendations for improvement; and should offer suggested topics for officer training.

There is a considerable body of knowledge and practice nationally regarding police accountability and the civilian oversight of law enforcement, based on the experiences of a number of American cities. The OPA Review Board should periodically examine this literature, maintain contact with other accountability and civilian review agencies, and recommend to the Department and, where necessary, the Mayor and City Council, those policies and practices that would improve the effectiveness of Seattle's process.

13. The OPA Review Board membership should be expanded from three to between five and seven members. The members should reflect the diversity of Seattle and should be Seattle residents.

To effectively engage the community, the OPA Review Board should be increased in size and its membership should be actively engaged with the residents they represent.

14. Civilian advocates from the Seattle Office for Civil Rights (SOCR) should be made available to assist OPA complainants through the process as needed.

SOCR should formally designate one or two employees as civilian advocates and widely publicize their availability as a resource to complainants. The advocates should provide complainants with information on how to access and navigate the OPA process.

Independence

- 15.** The OPA Director should have control of the OPA budget and should report to the Mayor and City Council on the adequacy of OPA funding during the annual City budget process.

The OPA Director should consult directly with the Mayor to establish OPA's budget requirements and should also have control over the use of that budget independent from the Chief of Police. This will help ensure the office has sufficient resources to carry out its mission.

- 16.** The OPA Director, in consultation with the Police Chief, should have the authority to select and transfer OPA staff, including sworn investigators and the Deputy Director.

The OPA Director needs to have the ability to manage OPA personnel and select the most qualified and best suited staff for the job.

- 17.** The OPA Director should not have worked for the City of Seattle during the preceding 10 years.

This recommendation is needed to avoid any potential conflicts of interest or other undue influences on the OPA Director's decisions.

- 18.** The OPA Director should not become a member of the Firearms Review Board.

A firearms review is not a disciplinary hearing. If a shooting raises disciplinary concerns, the Firearms Review Board can and should refer the matter to OPA for an independent review. These two functions need to be kept separate, although the OPA may have a role in providing additional public education to better explain the unique function of the Firearms Review Board.

- 19.** The OPA Auditor should be a civilian and the position should remain outside of the Seattle Police Department.

To ensure the independence of the OPA Auditor, it should continue to be a civilian position and the person appointed should have the highest reputation for integrity and independence.

Professional Conduct

20. SPD should adopt a policy that presumes an officer will be terminated for sustained complaints involving dishonesty that either relate to or occur within the scope of the officer's official duties, or that relate to the administration of justice. If the Police Chief chooses to impose a disciplinary sanction other than termination, he should be required to state his reasons in writing. This written statement shall be provided to the OPA Director, and upon request, to the Mayor and City Council.

A police officer's honesty and integrity are key to the success of both individual officers and the Department. An officer's integrity is his/her calling card on the street; honesty is indispensable in courtroom settings to effectively prosecute those who violate the law. The Panel believes there cannot be too much emphasis in the Department on honesty and integrity.

21. The Police Chief should appoint a high-ranking ethics officer who would provide advice and guidance to SPD employees on issues related to professional conduct and accountability.

The challenge of translating the demands and responsibilities that are a part of police professionalism into terms that rank-and-file officers will understand, accept and uphold is one that can be addressed by the appointment of an ethics officer who is a senior member of the Department with command experience. This person should have a major responsibility for developing appropriate training materials, especially for use in the police academy but also at other training levels in the Department, that provide opportunity for discussion of situations, circumstances and dilemmas encountered by officers that raise questions or problems regarding professional conduct. It should be the overarching goal of this post to invest the ideal of police professionalism and accountability with meaning and substance, so that it will be seen by Seattle police officers as a career goal toward which to aspire and one valued both by the Department and the community.

22. SPD should adopt a policy prohibiting retaliatory contact with a complainant.

The Panel heard some concerns about officers who were the subject of a complaint having contact with complainants. While it is possible that officers may have contact with complainants in the normal course of their duties, the Department should have a clear rule that any type of retaliatory contact is prohibited and will result in discipline. This will improve public confidence.

23. SPD should implement additional training and policies to improve the cultural competence within the Department to reflect the greater diversity of Seattle.

The Panel recommends that this item be among the first things addressed in the audit of the relationship with communities of color.

Transparency

24. The OPA should adopt a policy that requires public disclosure of all OPA records to the maximum extent allowed by law. Records of all sustained complaints, including the punishment imposed, should be made public in a format designed to protect the privacy of the officers and complainants to the extent required by law.

The Panel believes the existing labor agreements restrict public access to OPA records to such a degree there is a lack of understanding of the OPA process and how decisions are made. Consequently, public trust is undermined when controversial issues arise and the records and the reasons for decisions are kept from public view. The City should renegotiate current labor agreements to allow maximum public access to OPA records.

25. When the Police Chief changes a recommended finding from the OPA, the Chief should be required to state his reasons in writing and provide these to the OPA Director. A summary of the Chief's decisions should be provided to the Mayor and City Council upon request.

While the OPA Director makes findings and disposition recommendations to the Police Chief, the Chief has the final word and may alter the finding or the recommended disposition. It is essential the OPA Director be informed of the Chief's reasons for altering the OPA Director's findings or recommendations. This would help the OPA identify potential problems with the investigation process and/or disparities in how policies are interpreted. The OPA Auditor should monitor the number of and the rationale for differences of opinion between the OPA Director and Chief, and identify areas in need of improvement or clarification.

26. The OPA Director, OPA Auditor and OPA Review Board should meet quarterly and each should independently prepare and jointly present a semiannual report to the Mayor and City Council.

Coordinating the release of their reports will make it easier for the community to track issues and recommendations related to Seattle's police accountability system. The reports should include recommendations for improvement and a status report on the implementation of prior recommendations. The reports should be presented publicly and distributed widely in the community. In particular, those reporting should look for patterns of concern emerging over the course of a year that may be addressed through disciplinary practices and policies, as well as additional training.

27. Within 60 days of receiving recommendations from the semiannual reports, the Police Chief should respond in writing with a list of the recommendation(s) that the Chief is rejecting, an explanation for the rejection(s) and a timetable for implementing the accepted recommendations.

During the course of the Panel's work, the OPA was asked to provide a status report for the implementation of all recommendations made by the 1999 Citizens Panel, the OPA, the OPA Auditor and the OPA Review Board since the inception of the OPA. This list included more than 100 recommendations. While many recommendations had been implemented, some were only partially implemented and some had been rejected by the Police Chief. Requiring the Police Chief to provide a timely response to any recommendations presented will provide the public with an early indication of how the Police Department will respond and the OPA Auditor with the means of identifying and tracking those recommendations that will be implemented.

28. The OPA Auditor should monitor the progress of all OPA-related recommendations being implemented by the Police Department, including the recommendations that are accepted from this report. The OPA Auditor should report on the implementation status in the semiannual reports.

The Panel found there is currently no process for identifying which recommendations the Department is implementing and for monitoring the progress of implementation. The OPA Auditor is well positioned to keep track of those recommendations that are being implemented.

29. The OPA Director should document all correspondence and substantive interactions with the OPA Auditor and the OPA Review Board relating to the disciplinary process and the oversight system.

The Panel found there was sometimes miscommunication between the different components of the police accountability system, as well as some regular substantive communications that may later be called into question. To ensure an accurate and transparent process, substantive communications should be well documented.

Conclusion

The Panel believes the general structure of the police accountability system with the civilian OPA Director, OPA Auditor and OPA Review Board should continue. However, there are a number of improvements and enhancements that should be made to each of the components and the coordination between the components should be strengthened. Aspects of the current police accountability system are valuable and work to encourage an effective citizen-complaint process. The Panel has attempted to reconcile those valued aspects of the existing police accountability system with those areas that could use some improvement.

The Panel believes the integrity and trust for the citizen-police complaint process must be founded on the clear goals of improving the following aspects of the police accountability system:

- Accountability & Public Confidence
- Independence
- Professional Conduct
- Transparency

The Panel's recommendations are offered to the Mayor to help the City of Seattle achieve these goals. These goals should be viewed as interconnected and as offering a seamless path for strengthening the compact of trust between our citizens and police. Without these goals, the system fails.

2007 Police Accountability Review Panel Biographies

Terrence A. Carroll, Chair

Carroll served as a consultant advisor to the 1999 Citizen Review Panel convened by then-Mayor Paul Schell to evaluate the issue of employee accountability within the Seattle Police Department, and was the first Internal Affairs Auditor for SPD, serving from 1992-2003. Carroll was appointed to the King County Superior Court in 1980 and served until 1992. During his tenure on the bench, Carroll conducted several hundred settlement conferences. In addition, he presided over hundreds of jury and non-jury cases. He also served as Chief Criminal Judge and Presiding Judge at Juvenile Court. He stepped down from the bench to join the private Judicial Arbitration and Mediation Services and formed his own company, Judicial Dispute Resolution, LLC, with several other retired judges in 1997. Since starting his mediation and arbitration work, Carroll has heard more than 4,000 mediations and more than 1,000 arbitrations. He most frequently hears cases in the areas of business, probate, tort, property and construction law. He has also served as special master in dozens of complex cases. Carroll is a frequent lecturer at legal seminars in the area of alternative dispute resolution. He has participated in a wide range of community activities and has served as a consultant to the Port of Seattle, the King County Sheriff's Office and the Commission on Judicial Conduct. Also, he has served as a rule of law adviser to several countries following the breakup of the former Soviet Union. From 1974 to 1980, he was in private practice with experience before that as a deputy prosecutor and public defender. In 1966 Carroll earned a Bachelor of Arts degree from Seattle University and a law degree from Georgetown in 1969. He graduated from the National Judicial College in 1981.

Bob Boruchowitz, Vice Chair

In 2007, Bob Boruchowitz became a Visiting Professor at Seattle University's Youth Advocacy Clinic, teaching courses in juvenile law, after stepping down as Director of The Defender Association (TDA), where he worked for 33 years. While at The Defender Association, he began the Defender Association's Racial Disparity Project; oversaw the establishment of TeamChild with Columbia Legal Services; led a management team in negotiating the first collective-bargaining agreement for public defenders in the county; and helped develop state and national public-defender standards. Boruchowitz also served as president of the Washington Defender Association for 20 years and served on dozens of other local and national committees and boards; and argued a case before the U.S. Supreme Court in 2000. He is on the Washington Minority and Justice Commission. He was a Soros Senior Fellow in 2003. He is a frequent speaker at legal seminars on a variety of topics, including ethics. He has participated in evaluations of public defender programs in five states and the District of Columbia. He earned a Bachelor of Arts degree in political science from Kenyon College in 1970 and a law degree from Northwestern University School of Law in 1973.

Jenny A. Durkan

Jenny Durkan is a prominent Seattle attorney known for successful criminal and civil litigation, and for her continued civic leadership. Formerly the Governor's Executive Counsel, she chaired the Attorney General's Consumer Privacy Task Force, co-chaired the U.S. District Judge selection committee, served as the first Citizen Observer on the Seattle Police Firearms Review Board and was a member of the 1999 Citizen Review Panel convened by then-Mayor Paul Schell to evaluate the issue of employee accountability within the Seattle Police Department. Durkan

taught Trial Advocacy at the University of Washington Law School and serves on the WSBA Board of Governors. She is a founding board member for the University of Washington's Center for Women and Democracy. She recently worked with the Center and the National Democratic Institute doing political training in Morocco.

M. Lorena González

Lorena González is an associate at Schroeter Goldmark & Bender. For the past two years, González has represented individuals and workers whose rights have been violated or individuals who have been severely injured by negligence or governmental misconduct. Her practice has focused on race and national origin discrimination, police misconduct and employment discrimination. She has litigated against the State of Washington, Washington counties, private companies and insurance companies on behalf of individuals. González is a native Washingtonian who grew up in the Lower Yakima Valley as a migrant farm worker. In 1999, she earned a Bachelor of Arts degree in business administration from Washington State University and a law degree from Seattle University School of Law in 2005. Upon graduation, Lorena began working as a full-time associate for Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP, where she focused her practice in civil rights, governmental misconduct, employment discrimination, medical malpractice and negligence. She has litigated numerous cases in both federal and state court.

Pramila Jayapal

Pramila Jayapal is the founder and Executive Director of Hate Free Zone (HFZ), a nonprofit organization whose mission is to advance the fundamental principles of democracy and justice through building power in immigrant communities in collaboration with key allies. Since its creation, HFZ has grown into a leading voice for its courageous and ground-breaking work on behalf of immigrant and refugee communities targeted post-9/11. Under Pramila's leadership, Hate Free Zone has successfully passed numerous policy initiatives at the City, County and State levels to recognize the contributions of immigrants and to ensure they have access to essential services. Hate Free Zone has also organized thousands of immigrants in diverse communities and in conjunction with allies from numerous sectors to ensure fairness and justice for all immigrants. Hate Free Zone won early successes, including a successful class action lawsuit with pro bono counsel against the Federal government for the deportation of more than 4,000 Somalis back to Somalia. Hate Free Zone's civic engagement work has included the registration of more than 21,000 new immigrant citizens to vote. Pramila's previous work includes more than 15 years in international and domestic social justice issues, working across Africa, Asia and Latin America. Pramila has a Masters in Business Administration from Northwestern University's Kellogg School of Management, and a B.A. from Georgetown University in English and Economics.

Judith Krebs

Judy Krebs serves as General Counsel at Service Employees International Union (SEIU) Healthcare 775NW, a union representing more than 30,500 long-term health care workers. Prior to that, she served as an Assistant Attorney General, representing Washington residents in telephone and energy utility matters before the Washington Utilities & Transportation Commission, other administrative agencies and the courts. Before joining the Attorney General's staff, Judy was an Associate at Schwerin Campbell Barnard & Iglitzin LLP, focusing on labor

and employment issues. She has served as President of the Seattle Jobs Initiative, is currently a member of the Seattle City Light Advisory Board and is treasurer of the Washington Association of Churches. In 1989, she earned a Bachelor of Arts degree in Philosophy and Political Science from the State University of New York at Oswego. After college Judy enjoyed a career leading campaigns and organizations devoted to economic justice, including passage of the 1998 Washington initiative increasing the minimum wage. In 2001 she received a law degree from the University of Washington.

Gary Locke

Gary Locke was elected Washington's 21st governor on Nov. 5, 1996, making him the first Chinese-American governor in U.S. history. On Nov. 7, 2000, Locke, a Democrat, was re-elected to a second term. Upon leaving Washington's governorship, Locke joined the Seattle office of international law firm Davis Wright Tremaine LLP, in its China and governmental-relations practice groups. After receiving his law degree from Boston University in 1975, Locke worked for several years as a deputy prosecutor in King County, prosecuting felony crimes. In 1982, Locke was elected to the Washington State House of Representatives, where he served on the House Judiciary and Appropriations committees, with his final five years spent as chairman of the House Appropriations Committee. Prior to being elected governor, Locke served as chief executive of King County in 1993 and took on the issues and challenges facing Washington's largest county. Locke received a Bachelor of Arts in political science from Yale University in 1972.

Hubert G. Locke

Hubert G. Locke is Professor of Public Affairs, Dean Emeritus, and Marguerite Corbally Professor of Public Service at the Evans School of Public Affairs at the University of Washington. Locke served as a consultant advisor to the 1999 Citizen Review Panel convened by then-Mayor Paul Schell to evaluate the issue of employee accountability within the Seattle Police Department. After graduate work at the University of Michigan, Locke became the first Executive Director of the Citizens Committee for Equal Opportunity, a civil rights organization in Detroit, where he worked from 1962 to 1965. Subsequently, he was appointed Administrative Assistant to the Detroit Commissioner of Police, serving from 1966 to 1967. Between 1967 and 1972, he was an Adjunct Assistant Professor of Urban Education and Fellow of the Center for Urban Studies at Wayne State University, and from 1972 to 1975 was Dean of the College of Public Affairs and Community Service and Associate Professor of Urban Studies at the University of Nebraska at Omaha. Locke joined the University of Washington in 1976 as Professor of Public Affairs and Associate Dean of the College of Arts and Sciences. In 1977, Locke was appointed Vice Provost for Academic Affairs and in 1982, Dean of the Evans School. His major research interests are in management and policy issues in American policing. He is author and editor of several books and numerous chapters in publications dealing with race, criminal justice, religion and public policy. His publications in the field of American policing and the administration of justice include **The Detroit Riot of 1967**; *Police Brutality and Police Review Boards* and an essay in **The Color of Law and the Issue of Color: Race and Abuse of Police Power** entitled *Justice for All: Understanding and Controlling Police Abuse of Force*.

Mike McKay

Mike McKay is one of the founding partners of McKay Chadwell, PLLC. With his experience as a former U.S. Attorney, he has established a law practice focusing on commercial litigation, white-collar criminal defense, and corporate internal investigations. As U.S. Attorney for the Western District of Washington in Seattle from 1989 to 1993, McKay supervised the litigation of many prominent lawsuits filed on behalf of or against the United States. In 1999, then-Mayor Paul Schell asked McKay to investigate police policies and procedures in the wake of allegations that a police detective stole money from a homicide victim. As a result, he served as vice chair of a four-member Citizens Review Panel which made more than 20 recommendations to improve the Seattle Police Department. McKay graduated from the University of Washington in 1973 with a Bachelor of Arts degree in Political Science and in 1976 received a law degree from Creighton University School of Law.

Norman B. Rice

Norm Rice, Seattle's 49th Mayor, served two terms beginning in 1990 and was Seattle's first and only African-American Mayor. Prior to becoming Mayor, he served 11 years on the Seattle City Council. When he left City government in 1998, he joined the Federal Home Loan Bank of Seattle, serving as President and CEO until 2004. Rice is the former Vice Chairman of Capital Access LLC, an investment bank specializing in municipal, energy and philanthropic finance. He is now a visiting practitioner at the Evans School of Public Affairs at the University of Washington. Before entering City government, he worked as a reporter at KOMO-TV News and KIXI radio, served as Assistant Director of the Seattle Urban League, was Executive Assistant and Director of Government Services for the Puget Sound Council of Governments, and was employed as the Manager of Corporate Contributions and Social Policy at Rainier National Bank. Rice earned a Bachelor of Arts degree in communications from the University of Washington in 1972 and received his Master of Public Administration from the Evans School in 1974.

Jennifer Shaw

Jennifer Shaw joined the American Civil Liberties Union of Washington as the Legislative Director in November 2004. Shaw was a trial attorney with the firm Aoki & Sakamoto for eight years, representing individuals in criminal defense, personal injury, civil rights, and discrimination cases. Prior to that, she was a staff attorney for the Seattle-King County Public Defender Association for seven years. Ms. Shaw has served as a Commissioner Pro Tem for King County Superior Court and has chaired the Criminal Law Section of the Washington State Trial Lawyers and the Legislative Committee for the Washington Association of Criminal Defense Lawyers. In 2006 she served on the King County Sheriff's Blue Ribbon Panel, charged with reviewing and researching management systems for addressing employee misconduct and discipline in the Sheriff's Office; gaining an understanding of best management practices in other police departments and their applicability to the office; and making recommendations for improvements to the accountability system for misconduct and discipline. She also participated in a series of community forums in Spokane discussing police accountability and independent oversight. She is a 1987 graduate of Seattle University Law School and earned undergraduate degrees in English and Political Science from the University of Washington in 1984.

Materials Provided to the Police Accountability Review Panel

Meeting Date Materials Provided

- December 10
1. Clerk File No. 307684, SPD Firearms Review Board, Citizen Observer Report 2005
 2. Clerk File No. 304128, SPD Firearms Review Board, Citizen Observer Report 2000
- November 19
1. Presentation provided by Pierce Murphy, Community Ombudsman, Boise, Idaho (dated 11/19/07)
- November 5
1. Memo from OPA REVIEW BOARD re: 180 day rule (dated 10/30/07)
 2. Memo from K. Olson re: Mediation Program (dated 10/31/07)
 3. Memo from K. Olson re: Sample OPA Complaint Closure Letters (dated 11/1/07)
 4. Memo from K. Olson re: Investigation Tenure and Avg Investigation Time Comp (dated 11/1/07)
 5. Memo from K. Olson re: OPA Outreach and Training within SPD (dated 11/1/07)
 6. Memo from K. Olson re: Duty to Report (dated 11/1/07)
 7. Memo from K. Olson re: Source of OPA Complaints (Internal vs. External) (dated 11/1/07)
- October 22
1. Presentation on OPA Case Processing: Two Sample Cases, presented by Lt. Michael Kebba and Sgt. Randal Woolery in OPA (dated 10/22/07)
 2. Memo from K. Olson re: 180-day rule (dated 10/17/07)
 3. Memo from K. Olson re: Training of OPA staff (dated 10/17/07)
 4. Memo from Sgt. David Sweeney to K. Olson re: Overview of Early Intervention (dated 10/17/07)
- October 1
1. Recommendations by the OPA Auditor and OPA Review Board (from Peter Harris, dated 9/27/07)
 2. Letter from OPA Director to PARP (dated 10/1/07)
- September 10
1. Summary of OPA Policy Recommendations and Implementation 2003-2006 (dated 9/6/07)
 2. Chief's Expectations for Employee Conduct (dated 8/1/00)
 3. SPD Unbiased Policing Policy (effective date 1/28/04)
 4. SPD Mission Statement and Priorities (effective 7/22/02)
 5. Supervisory Interventions Statistics (dated 9/10/07)
 6. Letter from OPA REVIEW BOARD to PARP re: OPA REVIEW BOARD's Recommendations for OPA (dated 9/6/07)

Materials Provided to the Police Accountability Review Panel

Meeting Date Materials Provided

- August 20
1. Chief Kerlikowske's Comments to PARP (dated 8/20/07)
 2. Sam Pailca's Comments to PARP (dated 8/20/07)
 3. Kate Pflaumer's Comments to PARP (dated 8/20/07)
 4. Mediation Program Review (dated 8/15/07)
 5. Mayor Review Panel - 2004-2006 Statistics (dated 8/15/07)
- July 30
1. Public Disclosure Act Primer, prepared by Jeff Slayton, City Law Department (dated 7/30/07)
 2. Police Labor Relations Overview, prepared and presented by Mike Fields, City Labor Relations and Paul Olsen, City Law Department (undated)
 3. Police Accountability System Overview, prepared by Kathryn Olson, OPA Director (dated 7/30/07)
 4. 2006 OPA Statistics Update (undated)

Miscellaneous Materials: (these materials were provided to the Panel prior to the first meeting)

- A Review of Police Accountability in Seattle: Rationale and Overview (included in Mayor's press release dated 6/29/07)
- 2007 Police Accountability Review Panel member biographies (included in Mayor's press release dated 6/29/07)
- Citizens Review Panel Final Report (37 pages, dated 8/19/99)
- Seattle Police Department Accountability Action Plan (42 pages, dated 9/21/99)
- SMC 3.28, Subchapter VII, Office of Professional Accountability (13 pages)
- Council Bill Number 112993, Ordinance Number 119805, establishing an Office of Professional Accountability Director's position effective January 1, 2000 (4 pages)
- Council Bill 113040, Ordinance Number 119816, creating an Office of Professional Accountability and adding a new Subchapter VIII to Section 3.28 of the Seattle Municipal Code (7 pages)
- Council Bill 114088, Ordinance 120728, relating to the Office of Professional Accountability, the Office of Professional Accountability Auditor, and the Office of Professional Accountability Review Board (repealing sections of the SMC and adding new sections of the SMC) (25 pages)
- Roster of U.S. Civilian Oversight Agencies (20 pages)
- Citizen Review of Police – Approaches and Implementation, US Department of Justice (167 pages, dated March 2001)

OPA Reports: (these materials were provided to the Panel prior to the first meeting)

- 2001 OPA Mid-Year Report, submitted by Sam Pailca (26 pages, dated July 2001)
- SPD OPA Annual Report, submitted by Sam Pailca (36 pages, dated June 2002)
- SPD OPA Annual Report, submitted by Sam Pailca (49 pages, dated Fall 2003)
- SPD OPA Complaint Statistics 2003, submitted by Sam Pailca (23 pages, dated Summer 2005)
- SPD OPA Complaint Statistics 2004/2005, submitted by Sam Pailca (31 pages, dated Spring 2006)

- SPD OPA Policy Review and Outreach, submitted by Sam Pailca (21 pages, undated)
- SPD OPA Role in Policy Review and Risk Management at SPD, submitted by Sam Pailca (17 pages, undated)
- SPD OPA SPD Mediation Program Review, submitted by Sam Pailca (32 pages, dated August – December 2005)
- SPD OPA Statistical Review of the SPD Mediation Program, submitted by John Fowler (14 pages, dated 2006)
- SPD OPA Seattle’s Response to Concerns about Racially Biased Policing, submitted by Sam Pailca (29 pages, dated June, 2003)
- SPD Special Report – Use of Force by Seattle Police Department (19 pages, dated November 2001)
- SPD OPA Report on Use of Force Complaints Received in 2003, 2004, and 2005 (25 pages, dated January 2007)
- SPD OPA Commendations & Complaints Report (10 pages, dated May 2007)
- SPD OPA Brochure entitled “How Concerns About Police Misconduct are Resolved (2 pages, undated)
- SPD OPA Report of the OPA Director in Response to Mayor Nickels’ Request for Review of Investigation of the OPA Complaint Filed by George T. Patterson (24 pages, dated July 9, 2007)

OPA Auditor Reports: (these materials were provided to the Panel prior to the first meeting)

- SPD OPA Report of the Civilian Auditor for April – December, 2003, submitted by Kate Pflaumer (15 pages)
- SPD OPA Report of the Civilian Auditor for January – September, 2004, submitted by Kate Pflaumer (13 pages)
- SPD OPA Report of the Civilian Auditor for October 2004 – March 2005, submitted by Kate Pflaumer (7 pages)
- SPD OPA Report of the Civilian Auditor for April – September, 2005, submitted by Kate Pflaumer (7 pages)
- SPD OPA Report of the Civilian Auditor for October 2005 – March 2006, submitted by Kate Pflaumer (11 pages)
- SPD OPA Report of the Civilian Auditor for April – September, 2006, submitted by Kate Pflaumer (11 pages)
- SPD OPA Report of the Civilian Auditor for October 2006 – March 2007, submitted by Kate Pflaumer (8 pages)

OPA Review Board Reports: (these materials were provided to the Panel prior to the first meeting)

- OPA REVIEW BOARD Strategic Plan, 2003-2005 (3 pages)
- OPA REVIEW BOARD Second Quarterly Report (5 pages, dated January 2003)
- OPA REVIEW BOARD Semi-Annual Report (3 pages, dated June 30, 2003)
- OPA REVIEW BOARD 2003 Year End Report (20 pages, dated January 2003)
- OPA REVIEW BOARD Status Report (6 pages, dated December 5, 2006)
- OPA REVIEW BOARD Annual Retreat Summary Report (4 pages, dated March 4, 2007)
- OPA REVIEW BOARD An Oversight Considerations and Discussion Paper by Michael Pendleton, Ph.D. (4 pages, dated June 18, 2003)

- Council Bill 113041, Ordinance Number 119825 abolishing the position of the Internal Investigations Auditor and replacing it with an Office of Professional Accountability Review Board and amending the SMC (8 pages, dated December 22, 1999)
- Council Bill 115542, Ordinance Number 122126, modifying SMC to allow OPA REVIEW BOARD access to unredacted OPA files (4 pages, dated June 12, 2006)
- Council Bill 115573, Ordinance Number 122127, amending SMC to establish the number of terms OPA REVIEW BOARD members may serve (2 pages, dated June 12, 2006)